

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:12-CV-565**

**JPMORGAN CHASE & CO. and  
CHASE BANK USA, N.A.**

**DEFENDANTS**

***CONSOLIDATED WITH***

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:12-CV-571**

**HSBC BANK NEVADA, N.A.;  
HSBC CARD SERVICES, INC.; and  
HSBC BANK USA, N.A.**

**DEFENDANTS**

***CONSOLIDATED WITH***

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:12-CV-572**

**CITIGROUP, INC.; CITIBANK, N.A.; and  
DEPARTMENT STORES NATIONAL BANK**

**DEFENDANTS**

***CONSOLIDATED WITH***

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:12-CV-573**

**DISCOVER FINANCIAL SERVICES, INC.;  
DISCOVER BANK; DFS SERVICES, L.L.C.;  
and AMERICAN BANKERS MANAGEMENT  
CORPORATION, INC.**

**DEFENDANTS**

***CONSOLIDATED WITH***

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:12-CV-574**

**BANK OF AMERICA CORPORATION and  
FIA CARD SERVICES, N.A.**

**DEFENDANTS**

***CONSOLIDATED WITH***

**JIM HOOD, ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI, *EX REL.*  
THE STATE OF MISSISSIPPI**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:12-CV-575**

**CAPITAL ONE BANK (USA) N.A.; and  
CAPITAL ONE SERVICES, LLC**

**DEFENDANTS**

**NOTICE OF U.S. SUPREME COURT ACTION**

Defendants HSBC Bank Nevada, N.A., HSBC Card Services Inc. and HSBC Bank USA, N.A. (collectively, “Defendants”) hereby notify this Court that the U.S. Supreme Court recently granted a petition for writ of certiorari relating to the Fifth

Circuit's decision in *Mississippi ex rel. Hood v. AU Optronics Corp.*, 701 F.3d 796 (5<sup>th</sup> Cir. 2012). *See Mississippi ex rel. Hood v. AU Optronics Corp.*, No. 12-1036, 2013 WL 655204 (U.S. May 28, 2013). All parties in *AU Optronics* asked the Supreme Court to grant certiorari to resolve a circuit split on the issue of whether an attorney general action that asserts claims on behalf of citizens is removable as a "mass action" under the Class Action Fairness Act ("CAFA"). The Supreme Court's decision in that case may impact this Court's ruling on the Attorney General's pending motion to remand.

In *AU Optronics*, the Fifth Circuit held that a lawsuit filed by the Mississippi Attorney General seeking relief for harms allegedly suffered by Mississippi citizens was removable as a "mass action" pursuant to the CAFA provisions codified at 28 U.S.C. § 1332(d). Both Plaintiff and Defendants in this case cited *AU Optronics* as controlling authority on the question of whether this case is a removable "mass action." *See, e.g.*, Pl.'s Supp. Mem., Doc. 27, at 2-9; Defs.' Mem. in Opp., Doc. 31, at 17-21.

Defendants removed this action to federal court on three grounds: (1) the complete preemption doctrine, (2) the substantial federal question doctrine, and (3) CAFA. If this Court agrees that jurisdiction over this action exists under the complete preemption, or the substantial federal question doctrines, then the Supreme Court's decision in *AU Optronics* will have no effect here. If, however,

this Court concludes that jurisdiction over this action depends on the CAFA “mass action” provisions, then the Supreme Court’s decision in *AU Optronics* will be controlling, and Defendants respectfully submit that this Court should await the Supreme Court’s decision before ruling on the remand motion.

Defendants will keep this Court apprised of the status of *AU Optronics*.

This the 31<sup>st</sup> day of May, 2013.

**HSBC BANK NEVADA, N.A., HSBC  
CARD SERVICES INC. AND HSBC  
BANK USA, N.A.**

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served via electronic filing and/or U.S. Mail, postage prepaid, a true and correct copy of the foregoing to:

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This, the 31<sup>st</sup> day of May, 2013.

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